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DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

JEAN BROOKER,	)	Case No. 06 CV 1969 H (WMC)
	)	
Plaintiff,	)	NOTICE AND ORDER FOR
	)	TELEPHONIC EARLY NEUTRAL
v.	)	EVALUATION CONFERENCE
	)	
MERCK & COMPANY, INC. a	)	
corporation; MCKESSON	)	
CORPORATION, a corporation;	)	
DOES 1 to 50, inclusive,	)	
	)	
Defendants.	)	

IT IS HEREBY ORDERED that an Early Neutral Evaluation of your case will be held telephonically on November 6, 2006 at 3:00 p.m. Plaintiff's counsel is ordered to first contact defense counsel and then initiate a joint call to the Court at (619) 557-6624 on the date and at the time indicated above. Absent extraordinary circumstances, requests for continuances will not be considered unless submitted in writing no less than fourteen (14) days prior to the scheduled telephonic conference.

All counsel, and any other person(s) whose authority is required to negotiate and enter into settlement shall appear

telephonically on the conference call, shall be prepared to discuss the claims and defenses, and shall be legally and factually prepared to discuss and resolve the case. Parties are excused from appearing at the telephonic Early Neutral Evaluation conference. Full authority to settle means that the individual telephonically appearing at the settlement conference has the unfettered discretion and authority to: 1) fully explore settlement options and to agree at that time to any settlement options; 2) agree at that time to any settlement terms acceptable to the parties; 3) change the settlement position of a party; and 4) negotiate monetary awards without being restricted to a specific sum certain.

Requests to be excused from attendance for **extraordinary circumstances** must be in writing and received by the Court at least fourteen (14) days prior to the conference. **Failure of required counsel to telephonically appear will be cause for the imposition of sanctions.** In addition, the conference will not proceed and will be reset to another date. All conference discussions will be informal, off the record, privileged, and confidential.

Counsel for any non-English speaking parties is responsible for arranging for an interpreter at the telephonic conference.

The parties are required to submit a short Early Neutral Evaluation Conference Statement about the case on a confidential basis no later than seven (7) days before the conference.

Rule 26 of the Federal Rules of Civil Procedure shall apply to this case. All discovery shall be stayed until after the Rule 26(f) conference, unless otherwise permitted by Rule 26(f) or court order.

In the event the case does not settle during the Early Neutral

1 Evaluation Conference, counsel shall also be prepared to discuss  
2 the following matters at the conclusion of the conference:

3 1. Any anticipated objections under Federal Rule of Civil  
4 Procedure 26(a)(1)(E) to the initial disclosure provisions of  
5 Federal Rule of Civil Procedure 26(a)(1)(A-D);

6 2. The scheduling of the Federal Rule of Civil Procedure  
7 26(f) conference;


8 3. The date of initial disclosure and the date for lodging  
9 the discovery plan following the Rule 26(f) conference; and

10 4. The scheduling of a Case Management Conference pursuant  
11 to Federal Rule of Civil Procedure 16(b).

12 Plaintiff's counsel shall give written notice of the  
13 telephonic Early Neutral Evaluation Conference to parties  
14 responding to the complaint after September 25, 2006.

15 Questions regarding this case may be directed to the  
16 Magistrate Judge's law clerk at (619) 557-6624.

17  
18 Dated: September 25, 2006

  
WILLIAM MCCURINE, JR.  
United States Magistrate Judge

19  
20 COPY TO:

21 HONORABLE MARILYN L. HUFF  
22 U.S. DISTRICT JUDGE

23 ALL PARTIES & COUNSEL OF RECORD  
24  
25  
26  
27  
28

NOTICE OF RIGHT TO CONSENT TO TRIAL  
BEFORE A UNITED STATES MAGISTRATE JUDGE

IN ACCORDANCE WITH THE PROVISIONS OF 28 U.S.C. § 636(c), YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE JUDGE OF THIS DISTRICT MAY, UPON THE CONSENT OF ALL PARTIES, ON FORM 1A AVAILABLE IN THE CLERK'S OFFICE, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. COUNSEL FOR THE PLAINTIFF SHALL BE RESPONSIBLE FOR OBTAINING THE CONSENT OF ALL PARTIES, SHOULD THEY DESIRE TO CONSENT.

YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT TO CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE JUDGE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.

JUDGMENTS OF THE U.S. MAGISTRATE JUDGES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.